

**ROTHENBERG & CAMPBELL**

Ryan P. Campbell, Esq. (#317838)

Dave W. Rothenberg, Esq. (#326483)

345 Wyoming Avenue, Suite 210

Scranton, Pennsylvania 18503

Phone: 570.207.2889 || Fax: 570.207.3991

E-mail: [Hrlaw04@gmail.com](mailto:Hrlaw04@gmail.com) || [Hrlaw06@gmail.com](mailto:Hrlaw06@gmail.com)

*Attorneys for the Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PHILIP GODLEWSKI,**

Plaintiff,

v.

**EDUARDO NICOLAS ALVEAR  
GONZALEZ, *AKA* ALVEAR GONZALEZ  
EDUARDO NICOLAS, *AKA*  
NICOLAS ALVEAR; and  
GOOD LION TV, LLC,**

Defendants

**CIVIL ACTION—LAW  
(*HON. JULIA K. MUNLEY*)**

**JURY TRIAL DEMANDED**

No.: 3:24—CV—00344—JKM

**MOTION TO SCHEDULE ORAL ARGUMENT ON DEFENDANTS’  
MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT  
PURSUANT TO LOCAL RULE 7.9**

**AND NOW COME** Defendants, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear (collectively, “Individual Defendant”) and Good Lion TV, LLC (“Corporate Defendant”), by and through their counsel, Rothenberg & Campbell, hereby move for this Honorable Court to schedule oral argument on their Motion to Dismiss Plaintiff’s First Amended Complaint (ECF Doc. No. 26) pursuant to Local Rule 7.9, averring as follows:

1. On April 25, 2024, Plaintiff filed his First Amended Complaint in the instant matter wherein he attaches several exhibits purportedly showing the volume of wrongful conduct on behalf of Defendants. (See ECF Doc. No. 22, *generally*).

2. On May 10, 2024, Defendants, through undersigned counsel, timely filed their Motion to Dismiss Plaintiff's First Amended Complaint, in whole or in part, and, if granted in part, Motion to Dismiss Remaining Claims for Lack of Jurisdiction and a Brief in Support thereof (collectively, the "Motion to Dismiss"). (See ECF Doc. Nos. 26 and 27).

3. Defendants' Motion to Dismiss seeks dismissal of all or part of Plaintiff's First Amended Complaint for failure to state claims upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) based on the ostensibly wrongful publications of 110 statements by Defendants and purported causes of injury to Plaintiff. (See ECF Doc. No. 26-1).

4. Additionally, should this Honorable Court dismiss less than all claims contained in Plaintiff's First Amended Complaint, Defendants seek dismissal of any remaining claims for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). (See ECF Doc. No. 27).

5. On May 24, 2024, Plaintiff timely filed his Brief in Opposition to Defendants' Motion to Dismiss pursuant to Local Rule 7.6. (See ECF Doc. No. 28).

6. On May 30, 2024, Defendants timely filed their Brief in Reply in Support of Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Local Rule 7.7. (See ECF Doc. No. 29).

7. Local Rule of Civil Procedure 7.9 of the Middle District of Pennsylvania states:

Promptly upon the expiration of the time for filing of all briefs in support of or in opposition to a motion, the judge to whom the action has been assigned may order oral argument at such time and place as the judge shall direct, either in open court or in chambers. *The judge, in his or her discretion, may grant oral argument sua sponte or at the request of either or both parties.*

LR 7.9 (*emphasis added*).

8. Oral argument on a motion to dismiss is warranted when argument would “significantly aid the Court” in ruling on the motion, especially if the motion is complex and potentially dispositive of several or all a party’s causes of action. See Jackson v. Rohm & Haas Co., 2008 WL 5170615 at \*2 (E.D. Pa. 2008).

9. The time for filing of all briefs addressing Defendants’ Motion to Dismiss has expired.

10. In the instant matter, Defendants contend that oral argument on their Motion to Dismiss Plaintiff’s First Amended Complaint would significantly aid this Honorable Court in determining whether and to what extent any of the purportedly wrongful 110 Discursive Acts fails to state a claim upon which relief can be granted.

11. Oral argument on Defendants’ Motion to Dismiss will permit the parties to highlight, demonstrate and otherwise direct the Court’s attention<sup>1</sup> to specific evidence and appropriate precedent that may support or refute a claim’s disposition.

12. Additionally, granting Defendants’ request herein will provide Plaintiff with an additional due process safeguard should this Honorable Court decide to convert the Motion

---

<sup>1</sup> Stated differently, oral argument will invite the Court to have an open discussion with counsel about the 110 Discursive Acts, permitting the Court to pose questions addressing the parties’ respective arguments and aiding its decision to dismiss one, all or none of Plaintiff’s state-law tort claims.

to Dismiss into a Motion for Summary Judgment pursuant to Rule 12(d), permitting Plaintiff a temporal window through which he may argue additional evidence substantiating his position or otherwise rebutting Defendants' arguments.

13. On May 22, 2024, undersigned counsel e-mailed counsel for Plaintiff a copy of the instant Motion seeking concurrence and indicating that it would be assumed that Plaintiff concurred *only to the relief requested* and not to the individual allegations if no objection was received by May 30, 2024; no objection was received as of the date of this filing.

14. For all the reasons cited above, Defendants respectfully request this Honorable Court issue an Order scheduling oral argument on their Motion to Dismiss at a date, place and time convenient for the parties, their respective counsel and the Court.

**WHEREFORE**, Defendants, Eduardo Nicolas Alvear Gonzalez, *aka* Alvear Gonzalez Eduardo Nicolas, *aka* Nicolas Alvear and Good Lion TV, LLC, by and through their counsel, Rothenberg & Campbell, respectfully move that this Honorable Court issue an Order **GRANTING** their Motion and scheduling same for a date, time and place convenient to all parties with any restrictions reasonably contoured in time and manner.

Respectfully Submitted,

**ROTHENBERG & CAMPBELL**

By:

  
Ryan P. Campbell, Esquire (PAID: 317838)

345 Wyoming Ave., Ste. 210

Scranton, PA 18503

p. 570.207.2889 || e. [HRLaw04@gmail.com](mailto:HRLaw04@gmail.com)

**ATTORNEYS FOR DEFENDANTS**

Date: May 30, 2024



**ROTHENBERG & CAMPBELL**

Ryan P. Campbell, Esq. (#317838)

Dave W. Rothenberg, Esq. (#326483)

345 Wyoming Avenue, Suite 210

Scranton, Pennsylvania 18503

Phone: 570.207.2889 || Fax: 570.207.3991

E-mail: [Hrlaw04@gmail.com](mailto:Hrlaw04@gmail.com) || [Hrlaw06@gmail.com](mailto:Hrlaw06@gmail.com)

*Attorneys for the Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PHILIP GODLEWSKI,**

Plaintiff,

v.

**EDUARDO NICOLAS ALVEAR  
GONZALEZ, AKA ALVEAR GONZALEZ  
EDUARDO NICOLAS, AKA  
NICOLAS ALVEAR; and  
GOOD LION TV, LLC,**

Defendants

**CIVIL ACTION—LAW & EQUITY  
(HON. JULIA K. MUNLEY)**

**JURY TRIAL DEMANDED**

No.: 3:24—CV—00344—JKM

**CERTIFICATE OF CONCURRENCE IN REQUESTED RELIEF ONLY**

I, Ryan P. Campbell, Esquire, on behalf of Defendants, do hereby certify that I sought concurrence in Defendants' Motion to Schedule Oral Argument on Their Motion to Dismiss Plaintiff's First Amended Complaint by e-mail on May 22, 2024 to Plaintiff's counsel, Timothy M. Kolman, Esq. and, after being noticed that failure to object would result in Defendants' assumption that Plaintiff concurs only in the relief requested, having received no objection, assume that Plaintiff concurs only in the relief requested.

**ROTHENBERG & CAMPBELL**

By:

  
Ryan P. Campbell, Esquire

**ATTORNEY FOR DEFENDANTS**

Date: May 30, 2024

**ROTHENBERG & CAMPBELL**

*Attorneys for the Defendants*

Ryan P. Campbell, Esq. (#317838)

Dave W. Rothenberg, Esq. (#326483)

345 Wyoming Avenue, Suite 210

Scranton, Pennsylvania 18503

Phone: 570.207.2889 || Fax: 570.207.3991

E-mail: [Hrlaw04@gmail.com](mailto:Hrlaw04@gmail.com) || [Hrlaw06@gmail.com](mailto:Hrlaw06@gmail.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PHILIP GODLEWSKI,**

Plaintiff,

v.

**EDUARDO NICOLAS ALVEAR  
GONZALEZ, AKA ALVEAR GONZALEZ  
EDUARDO NICOLAS, AKA  
NICOLAS ALVEAR; and  
GOOD LION TV, LLC,**

Defendants

**CIVIL ACTION—LAW & EQUITY  
(HON. JULIA K. MUNLEY)**

**JURY TRIAL DEMANDED**

No.: 3:24—CV—00344—JKM

**CERTIFICATE OF SERVICE**

I, Ryan P. Campbell, Esquire, on behalf of Defendants, do hereby certify that I sent a true and accurate copy of Defendants' Motion to Schedule Oral Argument on their Motion to Dismiss in the above-captioned case on this 30<sup>th</sup> day of May, 2024 to the below named individuals *via* ECF and Electronic Mail addressed as follows:

Timothy M. Kolman, Esq.

e. [tkolman@kolmanlaw.com](mailto:tkolman@kolmanlaw.com)

**ATTORNEYS FOR PLAINTIFF**

**ROTHENBERG & CAMPBELL**

By:

  
Ryan P. Campbell, Esquire

**ATTORNEY FOR DEFENDANTS**

Date: May 30, 2024

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PHILIP GODLEWSKI,**

Plaintiff,

v.

**EDUARDO NICOLAS ALVEAR  
GONZALEZ, AKA ALVEAR GONZALEZ  
EDUARDO NICOLAS, AKA  
NICOLAS ALVEAR; and  
GOOD LION TV, LLC,**

Defendants

**CIVIL ACTION—LAW & EQUITY  
(HON. JULIA K. MUNLEY)**

**JURY TRIAL DEMANDED**

No.: 3:24—CV—00344—JKM

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2024, upon consideration of Defendants' Motion to Schedule Oral Argument Pursuant to Local Rule 7.9 and having determined that oral argument on Defendants' Motion to Dismiss will aid the court in its determination of same, it is hereby **ORDERED** and **DECREED** that Defendants' Motion is **GRANTED**.

**IT IS HEREBY ORDERED** that a Scheduling Conference is hereby scheduled for the \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_ o'clock, \_\_\_\_M before Hon. Julia K. Munley where counsel for all parties shall be telephonically available, prepared to schedule a date, time and location of oral argument, and discuss the manner of oral argument, including time allotment for each side. Counsel shall call-in no less than five (5) minutes prior to the scheduled conference using the following information:

CALL-IN NUMBER: \_\_\_\_\_

ACCESS CODE: \_\_\_\_\_

**BY THE COURT:**

\_\_\_\_\_  
HON. JULIA K. MUNLEY, J.